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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,030	05/20/2004	Klaus Zucholl		7033

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EXAMINER

RIGGLEMAN, JASON PAUL

ART UNIT	PAPER NUMBER
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1746

MAIL DATE	DELIVERY MODE
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07/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/849,030

Applicant(s)

ZUCHOLL ET AL.

Examiner

Jason P. Riggelman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 18-19 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the apparatus of claims 1-17 can be used to perform a materially different method than that of claims 18-19.
2. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 18-19 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Status of Claims

3. Applicant's reply filed on 4/24/2007 is acknowledged. Current pending claims are 1-19. Claims 1, 3-6, 9, 13, 16-17 are amended. Claims 18-19 are new. Claims 18-19 have been withdrawn from consideration as being directed to a non-elected invention.

Response to Arguments

4. The 102 (b) rejection of claims over Comin (EPO Patent Application Publication No. 0517015A1) are withdrawn in view of the amended claims. The 102 (b) rejection of claims 1, 4-7, and 10 over Whah et al. (US Patent No. 6269666) are withdrawn in view of the amendments. The 102 (b) rejection of claims 1-4, 7-8, and 16 over Hohmann et al. (US Patent No. 4710233) are withdrawn in view of the amendments.

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5. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the energy efficient system of the invention which uses only heated wash liquid to dissolve the solid soap) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

6. In response to applicant's argument that Chan et al. is not "energy efficient", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

7. Applicant's arguments, filed 4/24/2007, have been fully considered and are not persuasive with regards to the 102 (b) rejection of claims 1-4 and 6 over Shore. The applicant argues that Shore does not teach a solid cleaning agent; however, applicant is pointed towards pg. 1, Lines 19-45 of the specification of Shore.

Claim Objections

8. The claims use the terms "cleaning liquid", "cleansing liquid", "cleansing agent" and "wash liquid". It is requested that the applicant claim structure which makes these claim terms meaningful.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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10. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "wherein a solid cleansing agent is gradually dissolved in repeated washing cycles and wherein each of said repeated washing cycles and said washing liquid removes a part of said cleansing agent disposed in said addition unit or until all of solid cleansing agent is used" is confusing and appears to be a method step. The method step is not given patentable weight in the apparatus claim.

11. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "having a solid cleansing holding receptacle" appears to be a typographical error. For purposes of examination, this is assumed to be – having a solid cleansing agent holding receptacle.

12. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "provide the only way to gradually dissolve the cleaning agent" is vague and unclear.

13. The term "gradually dissolved" in claims 1 and 16-17 is a relative term which renders the claims indefinite. The term "gradually" is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being unpatentable by Shore (GB Patent No. 1300756).

16. Shore teaches a washing machine having an addition unit 15 for adding cleansing agent to a cleaning liquid, with the addition unit 15 connected by a pressure line 19 to a rinsing pump 16 to deliver a wash liquid to the addition unit 15 having a solid cleansing agent holding receptacle (dispenser 11)(pg. 1, Lines 19-45) in the addition unit. A suction line 17 of the rinsing pump 16 is connected to a liquid reservoir 2, Fig. 2. The suction line 17 of the rinsing pump 16 is connected with a collection basin 2 for wash liquid. The rinsing pump 16 is a circulation pump (Lines 80-89). The apparatus has the pump 16 connected to the addition unit 15 by means of a conduit (19 and 14). The appliance has an on-off valve (rubber flap 22) for connecting the addition unit 15 with a liquid circuit of the wash liquid. It is inherent that repeated washing cycles (repeated use of the washing machine) will *gradually clean* all of the detergent from the dispenser in this design. Note: cleaning liquid is the same as washing liquid. All of cleansing agent is used during washing cycle (pg. 3, Lines 15-20).

17. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being unpatentable by Comin (EPO Patent Application Publication No. 0517015A1).

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18. Comin teaches a dishwasher having an addition unit (detergent dispenser 1) for adding cleansing agent to a cleaning liquid, with the addition unit 1 connected by a pressure line 8 to a rinsing pump 9 to deliver a wash liquid to the addition unit. The addition unit (detergent dispenser 1) has a solid cleansing agent receptacle (cup-shaped element 20) inside (Column 3, Lines 50-55). A suction line 6 of the rinsing pump 9 is connected to a liquid reservoir 3, Fig. 2. The suction line 6 of the rinsing pump 9 is connected with a collection basin 3 for wash liquid. The rinsing pump 9 is a circulation pump (Column 2, Lines 30-35). The apparatus has the pump 9 connected to the addition unit 1 by means of a conduit 8. A delivery line 8 branches off from the liquid circuit 6 to deliver a partial flow of wash liquid into the addition unit (via delivery line 8), Fig. 1. The wash liquid is delivered to the solid cleansing agent holding receptacle where a solid cleansing agent is gradually dissolved in repeated washing cycles and each of the repeated washing cycles and liquor removes a part of the cleansing agent disposed in the addition unit (Column 4, Lines 0-60).

19. Claims 1-4, 7-8, and 10-17 are rejected under 35 U.S.C. 102(b) as being unpatentable by Chan et al. (US Patent No. 5500050).

20. Chan et al. teaches a dishwasher having an addition unit (dispenser 146) for adding cleansing agent to a cleaning liquid, with the addition unit 146 connected by a pressure line to a rinsing pump 126 to deliver a wash liquid to the addition unit having a solid cleansing agent holding receptacle (detergent container 114) inside. A suction line (pressure line) of the rinsing pump 126 is connected to a liquid reservoir 120, Fig. 1. The suction line (pressure line) of the rinsing pump 126 is connected with a collection

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basin 120 for washing liquid. The rinsing pump 126 is a circulation pump, Fig. 1. The apparatus has the pump 126 connected to the addition unit 146 by means of a conduit, Fig. 1. A dispensing unit 116 and a temperature sensor 173 are taught, Fig. 1. A concentration conductance sensor 172 (measurement chamber) determines the concentration of the cleansing liquid exiting from the addition unit 146 (Column 7, Lines 10-20) and controls other functions of the dishwasher (via control panel 100 feedback). The solid cleansing agent is gradually dissolved in repeated washing cycles and in each repeated washing cycle the wash liquid removes part of the cleansing agent in the addition unit.

21. In regards to claim 17, Chan et al. teaches, Fig. 1, a cleaning apparatus with a cleaning agent addition unit 119; a pump 126 for pumping a washing liquid in a first liquid circuit; a conduit 121 connecting said pump with said cleaning agent addition unit to provide a second liquid circuit and provides the only way to gradually dissolve the cleansing agent; an on-off valve 104 disposed between said pump and said cleaning agent addition unit 119; and a sensor 172 for measuring the concentration of a cleaning agent in the apparatus for providing data to the control unit 100. The sensor 172 provides data to open and close the on-off valve (time-dependent) and uses the washing liquid to gradually dissolve the cleansing agent, Fig. 1.

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (US Patent No. 5500050) as applied to claims 1 and 8 above, in view of Whah et al. (US Patent No. 6269666).

24. Chan et al. does not teach a flow-meter for quantity-dependent switching of the on-off valve; however, Whah et al. teaches a flow-meter to ascertain when water is added to the recirculation system (Column 5, Lines 35-40). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Chan et al. with Whah et al. to create a washing machine with means to detect the recirculation of the water, when the on-off valve is opened, to detect a leak.

Response to Amendment

25. Applicant's reply filed on 4/24/2007 is acknowledged. The objections to the drawings are withdrawn in view of the corrected drawings. The 112 second paragraph rejection of claims 1 and 16-17 are withdrawn.

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sowle et al. (US Patent Application Publication No. US 2003/0138085) teaches a re-circulating dishwashing machine which uses a solid soap.

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Riggleman whose telephone number is 571-272-5935. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Riggleman
Examiner
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JPR

A handwritten signature in black ink, appearing to read "Michael Barr", with a stylized flourish at the end.

MICHAEL BARR
SUPERVISORY PATENT EXAMINER